

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TANYA McCARTNEY, et al.)
Plaintiffs,)
vs.)
) Civil Case No. 3:21-cv-166
KIDS 2, INC., et al.)
Defendants.)

HEARING ON: Oral Argument on Defendants' Motion for Sanctions

Before Judge: Stephanie L. Haines

Michael A. Trunk, Esq.

Appear for Plaintiffs

Alana K. Bassin, Esq.
Jennifer L. Bullard, Esq.
Yasha Khatib Shahidi, Esq.

Appear for Defendants

Hearing began: 5/2/23 @ 2:30 p.m.

Hearing concluded: 3:08 p.m.

Law Clerk: Samantha Stewart

Stenographer: Shirley Hall

Court convened for oral argument on Defendants' motion for sanctions. Counsel entered appearances. Also participating was Attorney Thomas Edward Bosworth. Defendants first presented their argument in support of their motion for sanctions. Defendants indicated they were not seeking sanctions against Plaintiffs or Kline & Specter, but that they were seeking costs and attorneys fees from Attorney Bosworth based on his inappropriate and obstructive behavior at several depositions, which included personal attacks against Defense counsel, repeated speaking objections, and coaching of his witnesses. Plaintiffs' counsel responded by informing the Court that, shortly after Attorney Bosworth was terminated from Kline & Specter, the parties were able to work together and resolve the case. Attorney Bosworth then apologized to Defense counsel as to the personal attacks, agreed that some of his objections during the depositions violated the Federal Rules of Civil Procedure, but maintained that some of his objections were appropriate and that he had not coached his witnesses. The Court advised it had reviewed the full transcripts and video of the depositions and found that Attorney Bosworth's behavior was appalling, unprofessional, and that his personal attacks against Defense counsel, speaking objections, and coaching of his witnesses disrupted the depositions and made them ineffective. The Court granted the motion for sanctions with an opinion to follow. The Court also granted Defense counsel leave to file under seal the accounting of all fees and costs they are seeking in this matter, with a copy to Attorney Bosworth.